UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUN 16 AM 10:26
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Armando IBARRA-Flores** **Ernesto LOPEZ-Ibarra** Defendant	Magistrate Case No. '08 MJ 1850 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Sec. 1325 Illegal Entry (Misdemeanor)

The undersigned complainant, being duly sworn, states:

That on or about **June 14, 2008,** within the Southern District of California, defendants, **Armando IBARRA-Flores and Ernesto LOPEZ-Ibarra**, aliens, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers, and elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

The complainant further states that this complaint is based on statement of the apprehending officer that the defendants were found at or near **San Ysidro, California**, and upon inquiry were unable to establish United States citizenship, and admitted to apprehending officer(s) that they were citizens of **Mexico**, and had no right to be in or to enter the United States. It is further based upon the defendant's admission that they last entered the United States without inspection near **San Ysidro, California**, on or about **June 14, 2008**.

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **16th** DAY OF **JUNE, 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CS2

CONTINUATION RE:
Armando IBARRA-Flores
Ernesto LOPEZ-Ibarra

PROBABLE CAUSE STATEMENT

On June 14, 2008, Border Patrol Agent J. Berich was performing assigned line-watch operations in an area known as "Drucker's" in the Imperial Beach Border Patrol Station's Area of Operations. "Drucker's" is an area approximately five miles east of the San Ysidro Port of Entry and directly north of the U.S./Mexico International Boundary. This area is bordered by the primary fence to the south and the secondary fence to the north, enclosing an area of approximately twenty-five yards.

At approximately 6:45 p.m., Agent Berich was alerted via his service radio by a Remote Video Surveillance System (RVSS) operator of the illegal entry of three individuals that just crossed the primary fence and were heading north towards the secondary fence with a makeshift ladder. Guided by RVSS, who had never lost sight of the individuals, Agent Berich responded to the scene. RVSS next alerted Agent Berich that one of the individuals had ran back south, crossing the International Boundary back into Mexico in order to evade apprehension. As Agent Berich responded to the scene, individuals south of the International Boundary threw five to ten rocks at Agent Berich's vehicle. The rock throwing ceased once Agent Berich's passed the individuals, as he drove eastbound to the scene.

Upon arriving on the scene, Agent Berich observed the makeshift ladder affixed to top of the secondary fence with two individuals at its bottom. Agent Berich identified himself as a United States Border Patrol Agent and conducted an immigration inspection on the two individuals, both later identified as defendant **Armando IBARRA-Flores** and defendant **Ernesto LOPEZ-Ibarra**.

Upon being questioned as to their citizenship and immigration status, both defendants admitted to being citizens and nationals of Mexico not in possession of any immigration documents that would allow them to enter or remain in the United States legally. At approximately 6:55 p.m., both defendants were arrested for illegal entry into the United States and transported to the Imperial Beach Border Patrol Station for processing.

The defendants **Armando IBARRA-Flores** and **Ernesto LOPEZ-Ibarra** were advised of their Miranda rights. The defendants stated they understood their rights and were willing to make a statement without an Attorney present. The defendants admitted that they are citizens of Mexico and have no U.S. immigration documents. The defendants admitted that they had illegally crossed into the U.S.

Executed on June 15, 2008 at 9:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **two** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 14, 2008**, in violation of Title **8**, United States Code, Section **1325**.

Peter C. Lewis
United States Magistrate Judge

6-15-08 @ 9:06 a.m.
Date/Time